

REMARKS:

Applicants have carefully studied the Final Examiner's Action and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. No new matter has been added by this amendment. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicants respond to the outstanding Action by centered headings that correspond to the centered headings employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 103(a)

Applicants acknowledges the quotation of 35 U.S.C § 103(a).

Claims 16, 18-21, 25, 27, 28 and 38-40 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Koschella (U.S. Patent No. 7,054,121) in view of Desmicht et al. (US 20060156033).

Independent claim 16 has been amended to more clearly describe that which the applicant regards as the invention.

Amended independent claim 16 includes a memory unit comprising a non-volatile memory including a protected area, said protected area of said memory further including an authorization unit information block and an authorization unit information block pointer, a JTAG interface, authorization logic and a controller configured to allow JTAG hardware to write information into said authorization unit information block or said authorization unit information block pointer of said protected area through said JTAG interface, and to allow said authorization logic exclusive access to read said written information and to prevent any over-writing of the written information until the non-volatile memory is entirely erased.

Applicant contends that Koschella in combination with Desmicht et al. does not disclose all of the limitations of amended claim 16. More specifically, neither Koschella or Desmicht describe a memory unit comprising a non-volatile memory including a protected area, said protected area of said memory further including an authorization unit information block and an authorization unit information block pointer, a JTAG interface, authorization logic and a controller configured to allow JTAG hardware to write information into said authorization unit information block or said authorization unit information block pointer of said protected area through said JTAG interface, and to allow said authorization logic exclusive access to read said written information and to prevent any over-writing of the written information until the non-volatile memory is entirely erased.

For the reasons cited above, Applicant believes that independent claim 16 is now in condition for allowance.

Claims 18-24, 29-31 and 38 and 39 are dependent upon claim 16 and are therefore allowable as a matter of law.

Independent claim 25 stands rejected under 35 U.S.C § 103(a) as being unpatentable over Koschella (U.S. Patent No. 7,054,121) in view of Desmicht et al. (US 20060156033). However, the Office has failed to address all of the limitations of claim 25 in either the Office Action mailed on February 21, 2007 or the Office Action mailed on June 20, 2007.

It appears that the Office has considered all of the limitations of claim 25 to also be included in the limitations of claim 16 and has therefore only presented remarks related to the limitations of claim 16. This is not the case; there are limitations in claim 25 that are not present in claim 16. More specifically, claim 25 includes a memory unit comprising a non-volatile memory, a JTAG interface clocked by a JTAG clock signal received from an external JTAG hardware and a controller configured to allow said external JTAG hardware to write information into said non-volatile memory through said JTAG interface, wherein said controller is clocked either by a system clock signal or by said JTAG clock signal if said system clock signal is not available.

Applicant contends that neither Koschella or Desmicht et al. describe a JTAG interface clocked by a JTAG clock signal received from an external JTAG hardware and a controller configured to allow said external JTAG hardware to write information into said non-volatile memory through said JTAG interface, wherein said controller is clocked either by a system clock signal or by said JTAG clock signal if said system clock signal is not available as disclosed and claimed by the present invention.

Applicant respectfully requests that the Office review the limitations of claim 25 of the present invention and provide specific support for the rejection of claim 25, if appropriate.

For the reasons cited above and absent any specific rejection of the claim limitations presented in claim 25, Applicant believes that claim 25 is in condition for allowance.

Claims 27, 28 and 40 are dependent upon claim 25 and are therefore allowable as a matter of law.

Improper Final Rejection

Applicant respectfully asserts that the final status of the office action mailed on June 20, 2007 is improper as the Examiner has not fully addressed patentability of independent claim 25. More particularly, Applicant asserts that the Examiner has failed to provide a proper statement of grounds of rejection as is required by MPEP section 706.07. Applicant points out that MPEP section 706.07 specifies:

“In making the final rejection, all outstanding grounds of rejection of record should be carefully reviewed, and any such grounds relied on in the final rejection should be reiterated. They must also be clearly developed to such an extent that applicant may readily judge the advisability of an appeal unless a single previous Office action contains a complete statement supporting the rejection.”

By failing to address the language of independent claim 25, the final rejection does not clearly develop the grounds for rejection of independent claim 25 to such an extent so as to allow Applicant to readily judge the advisability of an appeal.

By not providing a rejection that fully addresses the limitations of independent claim 25, Applicant has been unfairly denied the patent protection to which Applicant is justly entitled. Moreover, Applicant has not been afforded the cooperation from the

Examiner that Applicant is entitled to. Instead, by prematurely cutting off prosecution of the present application, Applicant has been denied the opportunity of developing a clear issue for appeal. Applicant points out that MPEP section 706.03 specifies:

“present practice does not sanction hasty and ill-considered final rejections. The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application.”

In addition, MPEP section 706.07 specifies:

“The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal.”

For the above reasons Applicant requests that the final status of the office action mailed on June 20, 2007 be withdrawn. Furthermore, Applicant requests either allowance of independent claim 25 or an action that addresses the language of independent claim 25.

CONCLUSION

Applicants respectfully request reconsideration of the Application based on the amendments and remarks presented above. In light of the above amendments and remarks, Applicants respectfully assert that the claims now pending in the Application are in condition for allowance.

Applicants have made a diligent effort to place the claims in condition for allowance. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' representative, Kenneth Glass, at (408) 354-4448 so that such issues may be resolved as expeditiously as possible.

For the reasons set forth in this paper, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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(Date)

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